

**BIHAR STATE ELECTRICITY BOARD: PATNA
(DEPARTMENT OF STORE & PURCHASE)**

Office Order No. 1584 /
30/Pur/Seal Bit-113/2011

Patna, dated 03/05 /2012

Preamble

Sub: Forfeiture of Bank Guarantee submitted as Security deposit and blacklisting, M/s Manoj Seals & locks, Ulhasnagar for two years on account of concealing the facts as well as misleading the Department in his own interest against NIT No.174/PR/BSEB/2011 for supply of Poly Carbonate Seal Bit with Stainless Steel Sealing Wire- reg.

Ref.:-

- i. NIT NO.174/PR/BSEB/2011
- ii. Letter No. 1004 dt.21.11.2011 of ESE/Pur.,BSEB.
- iii. Your Letter No. MBR/SLS/2011-12/701 dt. 22.11.11
- iv. P.O. No. 05 dt.16.01.12 of ESE(Pur.),BSEB.
- v. Your Letter dt.15.02.2012
- vi. Letter No.180 dt. 20.02.2012 of ESE(Pur.)BSEB.
- vii. Your Letter No. MBR/SLS/2011-12/804 dt. 22.02.12
- viii. Your Letter No. MBR/SLS/2011-12/801 dt. 21.02.12
- ix. Letter No. 389 dt.02.04.12 of ESE(Pur.),BSEB.

CHIEF ENGINEER
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Inward No. 2728
16 MAY 2012
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DEPUTY ENGINEER
P&MM
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Letter No. DES/GN-1/04 2012 -198589dt. 13.04.12 of The patent House, Kolkata.

1. NIT NO.174/PR/BSEB/2011 dt. 15.11.2011 was invited for procurement of 20.0 Lacs Nos. of Poly Carbonate Double Locking System Seal Bit with Stainless Steel Sealing Wire in which M/s.Manoj Seals & Locks, Ulhasnagar was one of the participating tenderer.

2. In the light of the judgment of Hon'ble High Court, Patna vide order dated 14.11.2011 in CWJC No. 19674 /2011 against above NIT, the offer of the tenderers were examined on the basis of the document submitted with the bid and clarification given by the participating tenderers of having Patent certificate to manufacture the seal bit. The operating para of the said judgment is as under:-

“Considering the aforesaid facts and circumstances as well as the arguments of Learned counsel for the respective parties in its entirety, this writ petition is disposed of with direction to respondent-authorities of the BSEB that while deciding the tender of the applicants for the impugned NIT No.174 of 2011 they must keep in mind the statutory provisions as detailed in the notification of the Central Electricity Authority dated 17.03.2006 (Annexure 2) including the eligibility Clause 12 (1) (d) thereof”.

3. M/s Manoj Seals & Locks was requested vide Letter No.1004 dt.21.11.2011 of ESE/Pur., to submit patent certificate of seal bit in the light of the order of Hon'ble High Court,

CHIEF ENGINEER (E)
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Patna. The firm vide their letter no. MBR/SLS/2011-12/701 dt.22.11.11 have mentioned that they have submitted with the tender, affidavit for all attached documents including copy of patent certificate are true. They have submitted the same document once again

duly notarized with the above letter . The firm had submitted certificate of Registration of Design No. 198589 dt. 15.02.2005 in respect of design to " Sealing device" in the name of Murli Bhagwan Das Rahro, Ulhasnagar, Thane, Maharashtra issued by the office of the Controller General of Patents, Design & Trade works and drawing of Double Lock Anchor Push Type Seal Bit with the bid against above NIT.

4. P.O.No. 05 dt.16.01.2012 was placed on M/s Manoj Seals & Locks, Ulhasnagar for supply of 8.0 Lacs Nos.(maximum offered quantity) Poly Carbonate double locking system seal bit with stainless steel sealing wire as per their offered design.
5. It is to mention that fresh NIT No.206/PR/BSEB/2001 was invited for procurement of patented polycarbonate seal bit with sealing wire. M/s. Manoj Seals & Locks, Ulhasnagar was one of the participating tenderer in this NIT. The firm had submitted the same certificate which they had earlier submitted against NIT No.174/PR/BSEB/2011.
6. Certain complaint was received on the document submitted by M/s. Manoj Seals & Locks in respect of having patent certificate with the firm to manufacture the Polycarbonate Seal Bit. The Matter was examined in respect of having Patent certificate with the firm to manufacture the seal bit and the following facts had been observed.
 - a. On screening the website, it has been found that the patent certificate no. 198589 which was submitted by M/s. Manoj Seals & Locks against above NIT, has been issued actually to one Raven Larry for " An improved process and approved for conversion of Biodegradable organic material into product gas"- which does not relates to manufacturing of seal bit.
 - b. The website shows the details of application no. 308/MUM/2000 filed by Murli Bhagwan Das Rohro for the title invention "A twist type pilfer proof plastic seal" Though the patent application is published on website but patent has not been granted. The firm have applied for "Twist type pilfer proof plastic seal" whereas the firm have submitted drawing of double lock Anchor Push type seal bit with the offer against above NIT.
 - c. Clarification was asked from the firm in respect of above. The firm vide their letter no. MBR/SLS/2011-12/804 dt. 22.02.12 have intimated that their design is patented/registered design. The firm have mentioned in their Letter No. MBR/SIS/2011-12/801 dt.21.02.2012 that they have Design Registration No. 198589 and there is difference between patent and Design Patent.
7. The technical committee of BSEB examined the document of the M/s. Manoj Seals & Locks against NIT No.206./PR/BSEB/2011 and observed that the firm does not have valid patent certificate & hence found technically unsuitable & unacceptable against the NIT.
8. From the above facts, it was clear that M/s Manoj Seals & Locks did not have valid patent right to manufacture patented double lock Anchor Push type patent Seal bit and therefore purchase order no. 05 dt.16.01.2012 placed against NIT NO.174/PR/BEB/2011 on

M/s Manoj Seals and locks Ulhasnagar for the supply of 8.0 lacs Nos. Poly Carbonate Seal bit has been cancelled vide letter no.389 dt.02.04.2012.

9. In the meantime Assistant Controller of patent and Design, Mumbai was requested vide Letter NO.352 dt.26.03.2012 of ESE/Pur, BSEB to confirm whether M/s Manoj Seals & Locks, Ulhasnagar have valid patent right to manufacture the Poly carbonate Seal bit. The Patent Office, Mumbai forwarded the above request to Kolkata Office vide Letter No.GPM/2012/8245 dated 28.03.2012. The Patent office, Kolkata vide Letter No. DESIGN-1/04/2012- 198589 dt.13.04.2012 has informed that the said Design number 198589 dt.15.02.2005 has been registered on 27th July 2005 and cancellation proceedings U/s 19 of design Act is pending for the same.
10. From the above facts, it has been observed that the firm, M/s Manoj Seal & locks, Ulhasnagar has concealed the facts of patenting of their supplied seal bits and misled the Department in his own interest.

ORDER

In view of the facts explained above, Bihar State Electricity Board blacklists M/s Manoj Seal & Locks, 104, Dreamland Apartment, Near Bansuri Hotel, Gol Maidan Ulhashnagar- 421001 from taking part in future tender and other business dealings with BSEB for a period of 02 (two) years from the date of issuance of this letter. Further Bank guarantee deposited towards Security deposit against NIT No.174/PR/BSEB/2011 also stand forfeited.

This order will come into force with immediate effects.

Yours faithfully,

Sd/-

Secretary.

Memo No. _____ /

Patna, dated _____ /2012

Copy forwarded to M/s Manoj Seals & Locks , 104,Dreamland Apartment, Near Bansuri Hotel, Gol Maidan, Ulhasnagar 0421001 for information and necessary action.

Sd/-

Secretary.

Memo No. _____ /

Patna, dated _____ /2012

Copy forwarded to U.S. to Chairman/ U.S. to Member (F & R) / U.S. to Member (Tans.)/U.S. to Member(Gen.), Bihar State Electricity Board, Patna for kind information

Sd/-

Secretary.

Memo No. _____ /

Patna, dated _____ /2012

Copy forwarded to All G.M.-cum-C.E., Area Board/ Transmission/Project/ All Chief Engineers, Boards Hqrs., Patna/Chief Engineer(Civil)/All Financial Controller/ All Joint Secretary/Project Manager, Technical Services, Punaichak, Patna for information and necessary action.

Sd/-

Secretary.

Copy forwarded to :-

1. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
 2. The Chief Engineer (Material Management, Uttar Haryana Bijlee Vitran Nigam Limited, Shakti Bhavan, Sector-6, Panchkula -134109.
 3. The Chief Engineer (Material Management), " Kaveri Bhavan" District Office Road, Karnataka Power, Transmission corporation Limited, Post Box. No. 9990, Bangalore- 560009.
 4. The Managing Director, BSES, Yamuna Power limited, BSES Bhavan, Nehru Place, New Delhi - 110019
 5. The Managing Director, Uttaranchal Power corporation Limited, Urja Bhavan, Kanwali, Dehrdum-248006.
 6. The Chairman, Assam State Electricity Board, Bijlee Bavan, Patan Bazar, Guwahti-781001.
 7. The Chairman, Tamilnadu State Electricity Board. 800 NPRR. Ramaswami, Maligani, Anna Salai, Tamilnadu-600002
 8. The Chairman, Himachal Pradesh State Electricity Board, Vidyut Bhawan, SIMLA-171002
 9. The Chairman Madhya Pradesh state Electricity Board, Shakti Bhavan, P.O.Box. No.34, Rampur, JABALPUR-482008(M.P.)
 10. The Chairman , & M.D. (Central Zone) M.P.Madhya Kshetra Vidyut Co. Li mited, Bhopal.
 11. The Purchase Officer, Material Department, Jublee House, Shahpur, Ahemedabad Electricity Company Limited, Ahemedabad-380001
 12. The Chairman, Maharsashtra State Electricity Board, 4th Floor, Bandra Estate, Mumbai-400051.
 13. The Chairman, Meghalaya State Electricity Board, SHILONG 793001
 14. The Chairman, Jharkhand State Electricity Board, Engineering Building HEO DHURWA ,RANCHI 0-834004(JHARKHAND)
 15. The Chairman and Managing Director, West Bengal State Electricity Distribution Co. Ltd., Vidyut Bhavan, DJ Block, Sector-II, Bidhan Nagar, KOLKATA-700091
 16. The Chairman, Chhatisgarh State Electricity Board, Danganiya, C.S.EB., Complex Sundar Nagar, Post RAIPUR0492013(C.G)
 17. The Chief Engineer, Transmission Vidyut Soudha, Transmission Corporation Andra Pradesh Limited, Hyderabad -500082
 18. The Chief General Manager, P&MM& Opweration, ACPDDI, H.No.11-04-660 3rd Floor. Singarani Bhavan, Adjacent to Hanuman Temple, Khairatabad, Hyderabad -500004.
 19. The Chairman, Dakshin Haryana Bijlee Vitran Nigam Limited, Vidyut Sadan, Vidyut Nagar, Hisar 126005, HARYANA.
 20. The Chairman Grid Corporation of Orissa, Bhuvneshwar -751001(A.P.)
 21. The Chairman, Jodhpur Vidyut Nigam Limited, New Power House Industrial Area, Jodhpur (Raj.)
 22. The Chairman Rajasthan Rajya Vidyut Prasaran Nigarna Limited, Vidyut Bhavan, Jyoti Nagar, R.C.Dave Marg. Jalpur -302005(Raj.)
 23. The Chairman, Jalpur Vidyut Vitran Nigam Limited, Vidyut Bhavan, New Vidhan Sabha Marg, Jaipur-302005(Raj.)
 24. The Chairman and Managing Director, UP.Power Corporation Limited, Shakti Bhavan,14, Ashok Marg, Lacknow-226001
 25. The Chairman, M.P.Paschim Kshatra Vidyut Vitran Co. Limited G.P.H.Compound, Pologround, Indore (M.P.)
 26. The Chairman, Punjab State Electricity Board, C-3 Shakti Vihar, The Malipatalia-147001(Punjab)
- for information .


Secretary.